

**REMARKS**

Claims 1-37 are pending. Claims 15 and 37 are rejected under 35 U.S.C. § 112, second paragraph. Claims 1-12, 14, 16-21, 23-26, 28-34, and 36 are rejected under 35 U.S.C. § 102(e). Claims 13 and 35 are rejected under 35 U.S.C. § 103(a). Claims 22 and 27 are objected to as depending from a rejected base claim. Claims 10 and 29-37 are currently amended.

Examiner previously stated that the oath or declaration is defective, because the benefit to a provisional priority is missing. Examiner has withdrawn this objection on May 4, 2004, by telephone.

Examiner has objected to depending claims 29-37 and suggested replacing "The receiver" with "The wireless receiver." Claims 29-37 have been amended in accordance with Examiner's suggestion.

Claims 15 and 37 are rejected under 35 U.S.C. § 112, second paragraph, for reciting "comma free codes." The instant specification describes "comma free codes" as a series of a number of different 256 chip codes at page 16, lines 14-16. Thus, applicant respectfully submits that the term "comma free codes" is definite and, therefore, patentable under 35 U.S.C. § 112, second paragraph.

Claims 1-12, 14, 16-21, 23-26, 28-34, and 36 are rejected under 35 U.S.C. § 102(e) as being anticipated by Ohnishi (U.S. Pat. No. 6,556,620), filed January 18, 2000. Section (1) of 35 U.S.C. § 102(e) pertains to "an application for patent . . . by another filed in the United States before the invention by the applicant for patent." The instant application claims priority under 35 U.S.C. § 119(e) of U.S. Provisional Application No. 60.157,784, filed October 5, 1999. Ohnishi, therefore, is not a reference under section 1(1).

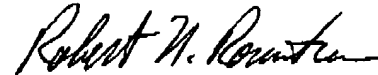
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Section (2) of 35 U.S.C. § 102(e) recites "a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, *except that an international application filed under the treaty defined in section 351(a) shall have the effects for the purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.*" (emphasis added). Section 351(a) recites "The term "treaty" means Patent Cooperation Treaty done at Washington, on June 19, 1970." Applicant fails to find any reference to a Patent Cooperation Treaty filing of Japanese application 11-013236, filed January 21, 1999, and cited on the face of Ohnishi. See, for example, U.S. Pat. No. 6,172,034. Furthermore, applicant fails to find any indication that Japanese application 11-013236 was designated in the United States or published under Article 21(2) of the Patent Cooperation Treaty in the English language. Thus, applicant believes that Ohnishi is not a reference under section (2) of 35 U.S.C. § 102(e). Applicant respectfully submits, therefore, that claims 1-37 are patentable under 35 U.S.C. § 102(e) over Ohnishi.

Applicant has acknowledges the rejections of depending claims 13 and 35 under 35 U.S.C. § 103(a), but considers them moot for the foregoing reasons.

In view of the foregoing, applicants respectfully request reconsideration and allowance of claims 1-37. If the Examiner finds any issue that is unresolved, please call applicant's attorney by dialing the telephone number printed below.

Respectfully submitted,



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